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STATE BAR COURT  
HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of:

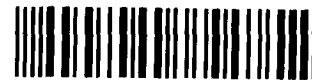
TROY L. ELLERMAN,

Petition for Reinstatement

) Case No. 14-R-474

) STATE BAR'S OPPOSITION TO  
) PETITION FOR REINSTATEMENT  
) Rules of Proc. of State Bar, rules 5.443;  
) 5.445(A)

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I. INTRODUCTION

Mark Fainaru-Wada and Lance Williams kept their word. They remained silent while facing up to eighteen months in prison. As reporters, they refused to divulge petitioner as the source of the illegally leaked grand jury transcripts they reviewed before writing newspaper articles about the Olympic athletes and baseball players who had used steroids.

Petitioner did not keep his word. He leaked the transcripts to the reporters. By doing so, he violated his word to his clients, making a public debacle of their case. He violated his word to the court, breaking the commitment he made not to disclose the transcripts, and then lying about it. He violated his oath to the profession, leaking information when he was ethically bound to keep silent, and keeping silent while Mark Fainaru-Wada and Lance Williams faced prison for the misconduct he perpetrated. In light of the magnitude of his misconduct, his published

1 disavowal of one of his criminal charges, and the relatively short length of time since his  
2 misconduct – only two and a half years since he finished parole – the State Bar opposes his  
3 petition for reinstatement.

4 II. STATEMENT OF FACTS

5 Due to the fact that the Petitioner pled out to his criminal charges and resigned from the  
6 practice of law, there is little record before this Court of Petitioner's misconduct. The State Bar  
7 anticipates that the facts at trial will show as follows:

8 In September 2003, federal officers executed a search warrant of Victor Conti, the owner  
9 of Bay Area Laboratories ("BALCO") in Milbrae, California, for suspected drug trafficking of  
10 illegal steroids. Conti sought out petitioner. After a brief period of legal consultation, petitioner  
11 referred Conti to a professional colleague, and petitioner instead represented Conti's co-  
12 defendant, Vice-President of BALCO, Jim Valente. The defense attorneys subsequently entered  
13 into a joint defense agreement. Petitioner had fiduciary duties to both Conti and Valente.

14 On February 12, 2004, Conti and Valente were charged with 42 criminal counts,  
15 including conspiracy to distribute and possess with intent to distribute anabolic steroids and  
16 money laundering.<sup>1</sup> The maximum exposure they faced on any one count (not the aggregate)  
17 was twenty years imprisonment<sup>2</sup>.

18 The U.S. Attorney's office had subpoenaed many prominent sports figures, including  
19 Olympic athlete Tim Montgomery and major league baseball players and Barry Bonds, Jason  
20 Giambi, and Gary Sheffield,<sup>3</sup> to testify before the grand jury. The U.S. Attorney's office  
21 released to petitioner, as criminal discovery, the transcripts of the athlete's testimony.

22 On March 3, 2004, the government obtained a stipulated protective order, signed by  
23 Judge Illston, ordering that the parties not disseminate the grand jury transcripts, "either to the  
24 press or for economic benefit" but to maintain their confidentiality. Petitioner so stipulated.

25 Four months later, in June, 2004, petitioner violated both his word and the court's order

26 <sup>1</sup> 21 U.S.C. 846 and 841(b)(1)(D).

27 <sup>2</sup> 18 U.S.C. Section 1956(a)(1)(b)(i) (money laundering).

28 <sup>3</sup> Barry Bonds played for the San Francisco Giants, Jason Giambi and Gary Sheffield, the New York Yankees.

1 and gave San Francisco Chronicle reporter, Mark Fainaru-Wada, the scoop, allowing Fainaru-  
2 Wada to read the transcript of Olympic athlete Tim Montgomery's grand jury testimony.  
3 Fainaru-Wada, on June 24, 2004, published an article in the San Francisco chronicle entitled  
4 "Sprinter admitted use of BALCO 'magic potion,'" exposing the athlete for steroid use and  
5 quoting the grand jury testimony verbatim. Montgomery's career as an Olympic athlete was  
6 over. The reporters subsequently published over 125 newspaper articles related to the steroid  
7 scandal.

8 On June 25, 2004, the Court held an emergency hearing to discuss the ramifications of  
9 the grand jury leaks. Petitioner expressed anger about the disclosure of the confidential material  
10 and failed to disclose he was the cause of it. The Court ordered an investigation, requiring all  
11 parties to submit declarations, including the prosecution, petitioner, and his client. On July 12,  
12 2004, petitioner submitted a false declaration stating that he did not know the identity of the leak  
13 and had no idea why it was done. He further stated that the leak was "very damaging to Mr.  
14 Conte's right to a fair trial."

15 On October 8, 2004, petitioner filed a motion to dismiss the indictment against all of the  
16 defendants, entitled, "Notice of Motion and Motion to Dismiss Indictment on the Ground of  
17 Government Generated Pretrial Publicity." In it, he stated, "The government has generated  
18 extensive prejudicial pretrial media releases which have caused counsel for Mr. Conte and Mr.  
19 Valente to go on the defensive almost from the inception of this case;" and "Someone has even  
20 leaked Grand Jury testimony for which there is a court order prohibiting the same." Petitioner  
21 also stated that, with respect to the leaks, "One might even call it a trial tactic."

22 While the motion for dismissal was still pending before the court, on or about November,  
23 2004, petitioner again gave Mark Fainaru-Wada additional access to the grand jury testimonies,  
24 this time the testimony of baseball players Jason Giambi, Barry Bonds, and Gary Sheffield.<sup>4</sup>  
25 Again, it hit the newspapers. The Court held a hearing on December 1, 2004, which addressed,

26  
27 <sup>4</sup> Barry Bonds played for the San Francisco Giants, Gary Sheffield and Jason Giambi played for  
28 the New York Yankees.

1 in part, allegations of leaks. Petitioner's co-counsel reported to the Court that he and petitioner  
2 had press conferences before the public to call for an investigation as to who was conducting the  
3 leaks. Just days later, on December 3, 2004, articles with headlines like "What Bonds told  
4 BALCO grand jury" came out, authored by Fainaru-Wada and Williams, quoting verbatim  
5 portions of Bond's testimony.

6 On December 3, 2004, petitioner engaged in a phone conversation with Special Agent  
7 Jeff Novistky and a U.S. Attorney. At that time, he reported to the prosecution that he thought  
8 the leaks were coming from his former client, and the subject of his joint defense agreement,  
9 Victor Conte. Petitioner turned against his own former client in an effort to cover his tracks.

10 In January 2005, petitioner and Valente ended their attorney-client relationship. The  
11 criminal case against Valente was still pending. Valente's subsequent counsel filed pleadings  
12 with the court indicating that petitioner was uncooperative regarding the transfer of the client's  
13 file to her. She wrote "In twenty years in the practice of law, I have never encountered this level  
14 of hostility and lack of cooperation from an attorney from whom I was assuming the  
15 representation of a client." And, "The condition of the file led me to believe that someone had  
16 either intentionally damaged the integrity of the file prior to turning it over to me or that it was  
17 maintained in a completely reckless manner."

18 In January 2005, petitioner moved to Colorado and obtained employment as the  
19 commissioner of the Professional Rodeo Cowboy's Association (PRCA). He brought his former  
20 private investigator, Larry McCormick, with him to Colorado and gave McCormick a job at the  
21 rodeo. In his book, he wrote, "BALCO was over for me. At least for now."<sup>5</sup>

22 It was not over for the reporters. In May, 2006 the reporters were subpoenaed before a  
23 grand jury to appear and reveal their sources. They refused to appear, filing a Motion to Quash.  
24 In October, 2006, the Court held them in contempt for refusing to appear and divulge their  
25 source. The Court sentenced them to prison for the remaining period of the grand jury, up to  
26 eighteen months. The reporters maintained the confidentiality of their sources and filed for

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27 <sup>5</sup> Forging Iron, page 128.

1 appeal.

2 McCormick's job performance at the rodeo was called into question, and McCormick  
3 was ultimately terminated.<sup>6</sup> McCormick subsequently cooperated with the FBI regarding  
4 petitioner's crime. If not for the intervening act of McCormick, petitioner's misconduct may  
5 have never come to light, and Fainaru-Wada and Lance Williams might have gone to prison.

6 In November 2006, FBI agents contacted petitioner and asked him about leaking the  
7 grand jury transcripts. Petitioner denied leaking the transcripts and tried to pin the crime on his  
8 former client, Conti.<sup>7</sup>

9 In December 2006, agents visited him at his home and confronted him, now with a  
10 sample of audio recordings between petitioner and the informant who had elicited a confession  
11 from petitioner. Petitioner first asserted that he turned over transcripts prior to the Court order  
12 prohibiting him from doing so; then he conceded sharing the transcripts with a reporter on three  
13 more occasions.<sup>8</sup> He ultimately entered a plea of guilty.

14 On or about June 14, 2007, petitioner was convicted of two counts criminal contempt for  
15 releasing the grand jury transcripts, 18 U.S.C. §401; filing a false document, for swearing under  
16 perjury that he did not leak information, in violation of 18 U.S. C. §1623(a); and obstruction of  
17 justice, for seeking the dismissal of the case on grounds (publicity) that he himself generated 18  
18 U.S.C. §1503.

19 On July 27, 2007, the Court sentenced petitioner to imprisonment for thirty months.  
20 Petitioner began his term of supervised release on January 16, 2009 and his term of parole ended  
21 on January 15, 2012.

22 In March 2011, during the period of supervised release, petitioner published his book,  
23 Forging Iron. In his book, Petitioner casts aspersions on McCormick's character, accusing him  
24 of betraying their friendship. He wrote "I naively believed that friends argue, and friends

25 <sup>6</sup> Petitioner and McCormick dispute the reasons for the termination and petitioner's conduct and  
26 candor (or lack thereof) during the course of the issues at the PRCA.

27 <sup>7</sup> Many of petitioner's character references refer to petitioner taking "full responsibility" for his  
misconduct. The State Bar looks forward to cross-examining them on these issues.

28 <sup>8</sup> Petitioner also told the investigator that he provided the reporters with police reports and  
investigative reports as well.

1 disagree, but friends do not cooperate in an investigation to see that his only and best friend is  
2 prosecuted”<sup>9</sup> Petitioner also denied culpability for the obstruction of justice charge, accusing the  
3 prosecution of railroading him into the conviction. He wrote: “I’m not guilty of the obstruction  
4 of justice charge.” And, “I had no choice” (but to plea to the charge).<sup>10</sup>

5 Petitioner filed his petition for reinstatement on or about January 24, 2014.<sup>11</sup> Seven years  
6 earlier, on or about February 28, 2007, Petitioner had tendered his resignation, which had been  
7 accepted by the Supreme Court on or about April 13, 2007. Petitioner had resigned with the  
8 criminal charges pending against him. (Case no. 07-C-10609).

### 9 III. BASIS FOR OPPOSING PETITIONER’S REINSTATEMENT

10 Pursuant to the Rules of Procedure of the State Bar, rule 5.443, the State Bar is to file and  
11 serve a response to the petition, stating, for each issue set forth in rule 5.445(A)<sup>12</sup>, whether it  
12 opposes the petition. If it opposes the petition, the Office of the Chief Trial Counsel will state in  
13 its response its grounds for opposition.

14 The State Bar has confirmed that Petitioner passed a professional responsibility exam and  
15 that the Petitioner has taken and passed the Attorney’s Examination by the Committee of Bar  
16 Examiners and does not oppose Petitioner’s petition on these grounds. (Rules of Proc. of the  
17 State Bar, rule 4.443(A)(1)&(4)).

18 The State Bar does oppose the petition on the ground that Petitioner has not met his  
19 burden to establish his rehabilitation and present moral qualifications for reinstatement (Rule  
20 4.443(A)(2)&(3)).

21 Petitioner has the burden to prove, by clear and convincing evidence, that he has  
22 rehabilitated from the misconduct which led to his disbarment (or, in this case, resignation).  
23 (*Hippard v. State Bar*, (1989) 49 Cal. 3d. 1084. Overwhelming proof of reform is necessary to

24 <sup>9</sup> Forging Iron, page 154.

25 <sup>10</sup> Forging Iron, pages 188-189.

26 <sup>11</sup> Due to clerical error, petitioner originally served only the supplemental documents, and not the  
27 petition, on the State Bar. When notified of the problem, petitioner served the petition on the  
28 State Bar on or about February 6, 2014. By stipulation, noted at the first status conference, the  
parties agreed that the time frames would commence on February 7, 2014 (date of receipt). The  
State Bar’s response is due on or before June 27, 2014.

<sup>12</sup> Rules of Procedure, rule 5.445(A) applies to resignations with charges pending.

1 confidently justify installing petitioner once again in the profession. (*In re Menna* (1995) 11 Cal.  
2 4<sup>th</sup>. 975, 989; *Feinstein v. State Bar* (1952) 39 Cal. 2d 541, 547).

3 The State Bar need not rebut a petitioner's showing of rehabilitation present moral fitness  
4 or present learning and ability in the law with clear and convincing adverse evidence to prevail.  
5 Instead, the State Bar need only to proffer sufficient evidence to lower the persuasiveness of the  
6 petitioner's evidence so that he does not meet his burden to prove his case by clear and  
7 convincing evidence. *In the Matter of Ainsworth* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr.  
8 894, Accord, *In the Matter of Kirwan* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 630, 636.

9 Petitioner is not entitled to the benefit of the doubt if equally reasonable inferences may  
10 be drawn from a proven fact. *In re Menna* (1995), 11 Cal. 4<sup>th</sup> 975, 986. *In the Matter of*  
11 *Ainsworth*, supra, at 899.

12 In providing this response, the State Bar reserves the right to base its opposition on  
13 additional grounds not readily apparent at this time, and which discovery may uncover, and to  
14 amend or supplement this response as appropriate.

15 The ground for the State Bar's opposition include the following:

16 A. Petitioner cannot meet the strong showing of rehabilitation necessary to overcome the  
17 serious misconduct he committed of false statement, obstruction of justice, and  
18 criminal contempt of court.

19 On December 14, 1992, petitioner was admitted to the practice of law.

20 On February 15, 2007, petitioner pled guilty to four crimes in federal court: two counts of  
21 criminal contempt, 18 U.S.C. § 401; filing a false declaration, in violation of 18 U.S. C. §  
22 1623(a); and obstruction of justice, 18 U.S.C. § 1503.

23 On April 13, 2007, petitioner's resignation was accepted by the Supreme Court.

24 Due to the fact that the Petitioner pled out to his criminal charges and resigned from the  
25 practice of law,<sup>13</sup> there is little record before this Court of Petitioner's misconduct. Yet, the  
26 more serious the misconduct, the stronger a showing of rehabilitation required for reinstatement.

27 <sup>13</sup> The current rules regarding resignation require a stipulation as to facts and circumstances  
28 surrounding the resignation, (California Rules of Court, rule 9.21; Rules of Proc. of the State Bar,  
rule 5.427(B). However, this requirement was not applicable in 2007, when Petitioner resigned.

1 ( *In the Matter of Bodell*, (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 459.)

2 The State Bar has set forth in the statement of facts an overview of the evidence it will  
3 seek to introduce regarding petitioner's misconduct in order that this Court may have a proper  
4 basis from which to judge or gauge his rehabilitation. All of the facts related to the Respondent's  
5 criminal conviction are probative and relevant. *In re Arnoff* (1978) 22 Cal. 3d. 740; *In re*  
6 *Conflenti* (1981) 29 Cal. 3d. 120; *In re Strick* (1987) 43 Cal. 3d. 644.

7 In addition to the criminal convictions that petitioner pled to, the State Bar anticipates  
8 that the evidence will show that petitioner also: 1) told representatives of the government that  
9 Victor Conte, his former client, and the subject of a joint-defense agreement, was responsible for  
10 the leaks, violating his duty of loyalty to his client; 2) failed to turn over the file or cooperate  
11 with his client's new counsel; 3) likely leaked additional information to the press in addition to  
12 the grand jury transcripts; and 4) has made inconsistent and self-serving statements regarding his  
13 motives for the crime and his culpability after his conviction, including denying culpability for  
14 the obstruction of justice charge.

15 Evidence of uncharged misconduct may not be used as an independent ground of  
16 discipline, it may be considered for other purposes relevant to the proceeding. The truth of a  
17 witness's testimony is always relevant to a proceeding so that uncharged misconduct may be  
18 used to impeach the credibility of an attorney. *In the Matter of Boyne* (Review Dept. 1993) 2  
19 Cal. State Bar. Ct Rptr. 389, 401; Accord, *Edwards v. State Bar* (1990) 52 Cal. 3d. 28, 35-36.  
20 Misconduct for which there is no discipline imposed is a proper factor to be considered in  
21 measuring rehabilitation. *In the Matter of Murphy* (Review Dept. 1997) 3 Cal. State Bar Ct.  
22 Rptr. 571, at 578.

23 B. There has been an insufficient time period of sustained, exemplary conduct since  
24 Petitioner's misconduct.

25 Petitioner must demonstrate sustained exemplary conduct over an extended period of  
26 time. (*In Re Giddens* (1981) 30 Cal. 3d 110,116; Accord, *In the Matter of Wright*, (Review Dept.  
27 1990) 1 Cal. State Bar Ct. Rptr. 219, 223. Little, if any, weight is given to the time petitioner  
28



1 was on parole. (*Menna*, supra, *In re Gossage* (2000) 23 Cal. 4<sup>th</sup> 1080).

2 Here, on July 27, 2007 the Court sentenced petitioner to imprisonment for thirty months.  
3 Petitioner began his term of supervised release on January 16, 2009 and his term of parole ended  
4 on January 15, 2012. Therefore, it has been just over two and a half years since he finished  
5 parole, completing his criminal sentence.

6 The time in which petitioner was on parole is not counted towards his required showing  
7 of a sustained period of rehabilitation.

8 Good conduct is normally demanded of a prisoner and a parolee.  
9 (See *Seide v. Committee of Bar Examiners*, supra, 49 Cal.3d at p.  
10 939 ["It is not enough that petitioner kept out of trouble while  
11 being watched on probation; he must affirmatively demonstrate  
12 over a prolonged period his sincere regret and rehabilitation."]; *In*  
13 *re Giddens* (1981) 30 Cal.3d 110, 116 [177 Cal.Rptr. 673, 635  
14 P.2d 166] [requiring further proof of rehabilitation "during a period  
15 when petitioner is neither on parole ... nor under supervision of the  
16 bar."].)

17 *In Re Menna*, (1995) 11 Cal. 4<sup>th</sup>. 975, at 989.

18 State Bar case law consistently demonstrates that lengthily periods of sustained  
19 rehabilitation is necessary to demonstrate rehabilitation. *Martin B. v. Committee of Bar*  
20 *Examiners* (1983) 33 Cal.3d 717, 726 [emphasizing nine-year unblemished record after applicant  
21 was accused of rape as a Marine]; *Hall v. Committee of Bar Examiners* (1979) 25 Cal.3d 730,  
22 742 [159 Cal.Rptr. 848, [emphasizing six-year period in which no complaints were lodged  
23 against applicant's employment business after his business license was temporarily suspended by  
24 an administrative agency].)

25 The more serious the misconduct, the stronger the applicant's showing of rehabilitation  
26 must be. (*Menna*, supra, 11 Cal. 4<sup>th</sup> 975, 987, citing *Kwasnik v. State Bar*, supra, 50 Cal.3d at p.  
27 1086. Accord, *In re Nevill* (1985) 39 Cal.3d 729, 735 [applying similar principle to disbarred  
28 attorney convicted of voluntary manslaughter]; *Roth v. State Bar* (1953) 40 Cal.2d 307, 313  
[applying similar principle to deny reinstatement to disbarred attorney convicted of grand theft].)

Petitioner was convicted of four felonies consisting of dishonesty. He further failed to  
perform on behalf of his clients, failed to cooperate with new counsel while his former client

1 continued to face felony charges; and he failed to come forward while the reporters faced prison  
2 for, in effect, concealing his crime.

3 In addition, Petitioner has indicated that substance abuse played a part in his misconduct.  
4 He reported both drug and alcohol abuse to the Court during his criminal sentencing hearing,  
5 reporting that he was weak and had "caved to the pressures that under normal circumstances  
6 would not have phased me." Petitioner reported that he was in a depressed and drugged out  
7 state, and in that frame of mind, the "line between right and wrong no longer existed."<sup>14</sup>  
8 Petitioner also sought out drug treatment while incarcerated. Yet petitioner has devoted very  
9 little, if any, of his petition for reinstatement to addressing his rehabilitation from his confessed  
10 substance abuse issues.

11 Petitioner's showing of rehabilitation is insufficient.

12 C. Petitioner demonstrates lack of recognition of remorse and wrongdoing

13 Petitioner pled guilty to four felony counts. After pleading to the charges, serving time,  
14 and while studying to become a therapist, Petitioner wrote a book about his misconduct, Forging  
15 Iron. Petitioner included the book as an attachment to his Petition for Reinstatement, and has  
16 therefore adopted this book as part of his personal statement. Petitioner's book amounts to his  
17 most recent attitude towards his misconduct, and it reflects poorly on his rehabilitation.

18 Petitioner devotes a significant portion of his book to sensationalizing and justifying his  
19 actions. For example, the forward states,<sup>15</sup> "Troy Ellerman exposed one of the biggest scandals  
20 in sports history" p 11.

21 In his book, Petitioner denies culpability for the most serious criminal charge: obstruction  
22 of justice. He blames the government for insisting that he plea to all of the charges. He tries to  
23 pass responsibility to his co-counsel and deny accountability for documents he signed and filed  
24 in federal court. He writes, "I never wrote the motion"<sup>16</sup> I didn't care about the motion. It requires  
25 specific intent and I did not provide the transcripts intending to file a motion to dismiss. I am not

26 <sup>14</sup> This is in sharp contrast to Forging Iron, wherein he stated, "In truth, I acted with one motive:  
27 believing the Feds had incorrectly covered for the professional athlete." (Forging Iron, page 121).

28 <sup>15</sup> Petitioner did not write the forward. However, by selecting this forward, Petitioner adopts it.

<sup>16</sup> Petitioner concedes he signed it.

1 guilty of that.” (Forging Iron, page 190).

2       Rehabilitation requires an acceptable appreciation of one’s professional responsibilities  
3 and a proper attitude towards one’s misconduct. *In the Matter of Miller* (Review Dept. 1993) 2  
4 Cal. State Bar Ct. Rptr. 423,431. The proof presented must be sufficient to overcome our prior  
5 adverse judgment of the applicant’s character. *Calaway v. State Bar* (1986) 41 Cal. 3d.  
6 743,745-746. A petitioner who acknowledges consistently the seriousness of his wrongdoing,  
7 expresses remorse, and undergoes a fundamental change in values likely to prevent future  
8 misconduct, demonstrates a significant factor in favor of rehabilitation. (*In the Matter of Brown*,  
9 (Review Dept. 1993) 2 Cal. State Bar .Ct. Rptr. 309, 320.

10       Despite Petitioner’s assertions to the contrary, Petitioner’s misconduct was a crafted  
11 stratagem to use the adverse publicity that he himself was generating, as grounds for dismissal of  
12 the charges against his client. While Respondent was leaking information to the press, he was  
13 simultaneously seeking dismissal of the charges due to the leaks, claiming his clients were  
14 adversely affected. Respondent broke the law, abused the judicial process, lied to the court,  
15 deceived his co-counsel and his own clients, and afterwards wrote a book claiming he was doing  
16 everything for the right reason. <sup>17</sup> Given this history, the sincerity of petitioner’s outreach to law  
17 schools, made as a condition of his parole, is called into question. Petitioner’s statements vary  
18 over time and depend upon the recipients. <sup>18</sup> His published lack of remorse and recognition of  
19 wrongdoing as to the obstruction of justice charge, published after his conviction, and during the  
20 period of his parole, weighs against his rehabilitation.

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26 <sup>17</sup> He writes” I acted with one motive: believing the Feds had incorrectly covered for the  
27 professional athlete”. (Forging Iron, page 121)

28 <sup>18</sup> The State Bar intends to examine the character witnesses as to their knowledge of the full  
extent of the misconduct.

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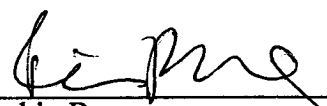
IV. CONCLUSION

For the aforementioned reasons, the State Bar respectfully requests that Petitioner's  
petition be DENIED.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: June 24, 2014

By:   
Robin Brune  
Senior Trial Counsel

1 **DECLARATION OF SERVICE BY MAIL**

2 **RE: TROY L. ELLERMAN**  
3 **CASE NO.: 14-R-00474**

4 I, the undersigned, over the age of eighteen (18) years, whose business address and place of  
5 employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105,  
6 declare that I am not a party to the within action; that I am readily familiar with the State Bar of  
7 California's practice for collection and processing of correspondence for mailing with the United  
8 States Postal Service; that in the ordinary course of the State Bar of California's practice,  
9 correspondence collected and processed by the State Bar of California would be deposited with  
10 the United States Postal Service that same day; that I am aware that on motion of party served,  
11 service is presumed invalid if postal cancellation date or postage meter date on the envelope or  
12 package is more than one day after date of deposit for mailing contained in the affidavit. That in  
13 accordance with the practice of the State Bar of California for collection and processing of mail,  
14 I deposited or placed for collection and mailing in the City and County of San Francisco, on the  
15 date shown below, a true copy of the within

10 **STATE BAR'S OPPOSITION TO PETITION FOR REINSTATEMENT**

11 in a sealed envelope placed for collection and mailing at San Francisco, on the date shown  
12 below, addressed to:

13 **Mark J. Reichel**  
14 **Reichel and Plessner**  
15 **455 Capitol Mall, Suite 802**  
16 **Sacramento, CA 95814**


16 in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

17 **N/A**

18 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
19 true and correct. Executed at San Francisco, California, on the date shown below.

20 **DATED: June 24, 2014**

**SIGNED:**

  
Dawn Williams  
Declarant

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